

Serial No.: 10/725,683
Art Unit: 3733

Please amend the present application as follows:

Claims

The following is a copy of Applicants' claims that identifies language being added with underlining ("__") and language being deleted with strikethrough ("—"), as is applicable:

1. (Currently Amended) A flexible tap apparatus member comprising:

a shaft having a first passage disposed axially therein, a second passage communicating with and extending outwardly from said first passage to an outer surface of said shaft, a flexible upper shaft portion, and a flexible lower shaft portion;

said upper shaft portion comprising ridges and said lower shaft portion having a substantially smooth surface; and

a dye;

wherein said flexible tap apparatus member is arranged and configured such that after insertion into a living body, said upper shaft portion is anchored in the a tissue of the living body; and

wherein said first passage and said second passage are sized and shaped to communicate said dye to the tissue into which the upper shaft portion is anchored.

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2. (Original) The flexible tap apparatus member of claim 1, further comprising:

a tip terminating said upper shaft portion.

3. (Currently Amended) The flexible tap apparatus member of claim 1, further comprising:

a guide pin for being removably disposed in the tissue to align said flexible tap apparatus member; and

wherein a passage disposed axially into said shaft, through which the
guide pin is removably engaged through said first passage.

4. (Currently Amended) The flexible tap apparatus member of claim 3, wherein said first passage extends a portion of the length of the shaft.

5. (Canceled)

6. (Original) The flexible tap apparatus member of claim 1, further comprising

a handle arranged and configured to releasably receive said lower shaft portion.

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7. (Currently Amended) A flexible tap apparatus system comprising:
a first flexible tap apparatus member, comprising:
a shaft having a first passage disposed axially therein, a lateral
passage communicating with and extending laterally from said first
passage to an outer surface of said shaft, a flexible upper shaft
portion, and a flexible lower shaft portion;
said upper shaft portion comprising ridges and said lower shaft portion
having a substantially smooth surface; and
a dye;
wherein said flexible tap apparatus member is arranged and configured
such that after insertion into a living body, said upper shaft portion is anchored in
a tissue; and
wherein said first passage and said lateral passage are sized and
shaped to communicate said dye to the tissue into which the upper shaft portion
is anchored;
wherein said shaft of said first flexible tap apparatus member
comprises a first set of dimensions; and
a second flexible tap apparatus member, comprising:
a second shaft having a second passage disposed axially therein, a
second lateral passage communicating with and extending laterally
from said first passage to an outer surface of said shaft, a flexible
upper shaft portion, and a flexible lower shaft portion;

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said upper shaft portion comprising ridges and said lower shaft portion

having a substantially smooth surface; and

a dye;

wherein said flexible tap apparatus member is arranged and configured such that after insertion into a living body, said upper shaft portion is anchored in a tissue; and

wherein said first passage and said second passage are sized and shaped to communicate said dye to the tissue into which the upper shaft portion is anchored;

wherein said shaft of said second flexible tap apparatus member comprises a second set of dimensions;

wherein said first set of dimensions differs from said second set of dimensions, and wherein at least one of said flexible tap apparatus members is arranged and configured such that after insertion into a living body, said upper shaft portion of said flexible tap apparatus member is anchored in the tissue.

8. (Original) The flexible tap apparatus system of claim 7, further comprising:

a handle arranged and configured to interchangeably receive said first flexible tap apparatus member and said second flexible tap apparatus member.

9. (Canceled)

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10. (Currently Amended) The flexible tap apparatus system of ~~claim 9~~
claim 7, wherein said first passage disposed axially in ~~said~~ shaft extends a portion of the length of said shaft.

11. (Currently Amended) The flexible tap apparatus system of claim 7, wherein at least one of said first flexible tap apparatus member and said second flexible tap apparatus member comprises:

a first passage disposed axially therein said shaft; and
a lateral passage disposed in said shaft extending from said first passage disposed axially in said shaft.

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12. (Currently Amended) A method of creating a passage in tissue comprising:

providing a flexible tap apparatus system comprising:

a first flexible tap apparatus member, comprising:

a shaft having a first passage disposed axially therin, a lateral passage extending laterally from said first passage to an outer surface of said shaft, a flexible upper shaft portion, and a flexible lower shaft portion;

said upper shaft portion comprising ridges and said lower shaft portion having a substantially smooth surface; and

a dye;

~~wherein said shaft of said first flexible tap apparatus member comprises a first set of dimensions; and~~

~~a second flexible tap apparatus member, comprising:~~

~~a shaft having a flexible upper shaft portion and a flexible lower shaft portion, said upper shaft portion comprising ridges and said lower shaft portion having a substantially smooth surface;~~

~~wherein said shaft of said second flexible tap apparatus member comprises a second set of dimensions;~~

~~wherein said first set of dimensions differs from said second set of dimensions;~~

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engaging said flexible tap apparatus member into the tissue; and
~~disengaging said first flexible tap apparatus member from the tissue; and~~
~~engaging said second flexible tap apparatus member into the tissue so~~
~~that said second flexible tap apparatus member is arranged and configured such~~
~~that after insertion into a living body, said upper shaft portion of said flexible tap~~
~~apparatus member is anchored in the tissue.~~

communicating said dye to the tissue through said first passage and said
lateral passage.

13. (Original) A method of claim 12, further comprising the step of:
 - disposing a guide pin into the tissue;
 - engaging said first flexible tap apparatus member with said guide pin;
 - boring a passage in the tissue with said first flexible tap apparatus member;
 - removing said first flexible tap apparatus member;
 - engaging said second flexible tap apparatus member with said guide pin;and
 - boring into said passage in the tissue with said second flexible tap apparatus member.

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14. (New) The flexible tap apparatus member of claim 1, further comprising:

a handle comprising a passage arranged and configured to align with said first passage, said first passage being operative to allow said dye to be introduced into said tissue.

15. (New) The flexible tap apparatus system of claim 7, further comprising:

a handle comprising a passage arranged and configured to align with said first passage, said first passage being operative to allow said dye to be introduced into said tissue.